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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

CASE NO. 3:17-cv-00939-WHA

13 Plaintiff,

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT
(DKT. 1423)**

14 vs.

15 UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
16 LLC,

17 Defendants.

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Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of its Opposition to Defendants’ Motion for Summary Judgment (Dkt. 1423) (“Waymo’s Opposition”) and exhibits thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Opposition	Highlighted portions	Waymo (green highlighting), Defendants (blue highlighting), third party Velodyne (yellow highlighting)
Exhibit 1 to Jaffe Declaration	Entire document	Waymo and Defendants
Exhibit 3 to Jaffe Declaration	Entire document	Defendants; Waymo (green highlighting)
Exhibits 4-6 to Jaffe Declaration	Entire documents	Third party Velodyne
Exhibit 7 to Jaffe Declaration	Highlighted portions	Waymo (green highlighting)
Exhibit 8 to Jaffe Declaration	Entire document	Waymo
Exhibit 9 to Jaffe Declaration	Entire document	Waymo and Defendants
Exhibit 10 to Jaffe Declaration	Entire document	Waymo
Exhibit 11 to Jaffe Declaration	Entire document	Waymo
Exhibit 12 to Jaffe Declaration	Entire document	Waymo and Defendants
Exhibit 13 to Jaffe Declaration	Entire document	Waymo and Defendants
Exhibits 14-16 to Jaffe Declaration	Highlighted portions	Waymo (green highlighting)
Exhibit 18 to Jaffe Declaration	Entire document	Waymo and Defendants
Exhibit 21 to Jaffe Declaration	Highlighted portions	Waymo (green highlighting)
Exhibits 22-23 to Jaffe Declaration	Entire documents	Third party Velodyne
Exhibit 24 to Jaffe Declaration	Entire document	Third party Velodyne
Exhibit 25 to Jaffe Declaration	Highlighted portions	Waymo (green highlighting); Defendants (blue)

		highlighting)	
1	Exhibit 26 to Jaffe Declaration	Entire document	Third party Lior Ron; Defendants (red highlighting)
2	Exhibit 27 to Jaffe Declaration	Entire document	Waymo and Defendants
3	Exhibits 28-30 to Jaffe Declaration	Highlighted portions	Defendants (blue highlighting)
4	Exhibit 31 to Jaffe Declaration	Entire document	Defendants

7 **I. LEGAL STANDARD**

8 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
9 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
10 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
11 to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials
12 may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good
13 cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*,
14 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331
15 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

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17 **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

18 The Court should seal the portions of Waymo’s Opposition and exhibits thereto identified by
19 Waymo in the table above. Waymo seeks to file this information under seal because it discloses
20 Waymo’s trade secrets. *See* Declaration of Felipe Corredor (“Corredor Decl.”) ¶¶ 3-5. Courts have
21 determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd.*
22 v. *Foote*, No. 14-cv-03078, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*,
23 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013
24 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists
25 entirely of descriptions of Brocade’s trade secrets”). Confidential business information that, if
26 released, may “harm a litigant’s competitive standing” also merits sealing. *See Nixon v. Warner*
27 *Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal trade secrets that fit squarely
28 within these categories. Corredor Decl. ¶¶ 3-5. Waymo maintains this information as a trade secret

1 (see Dkt. 25-31) and ensures the information remains secret with strict secrecy and security protocols
 2 (see Dkt. 25-47; Dkt. 25-49.). *See* Corredor Decl. ¶ 4. Waymo has narrowly tailored its requests to
 3 only information meriting sealing. *Id.* ¶ 5. In fact, both *Music Group* and *Brocade* found the
 4 confidential information at issue in those cases met the heightened “compelling reasons” standard for
 5 sealing. *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The disclosure
 6 of Waymo’s trade secret information would harm Waymo. Corredor Decl. ¶ 4. Moreover, the scope
 7 of information that Waymo is seeking to seal is consistent with other administrative motions to seal
 8 that have already been granted by the Court in this case. (*See, e.g.*, Dkt. 416, 414, 406, 393, 392.)
 9 Thus, the Court should grant Waymo’s administrative motion to seal.

10 **III. DEFENDANTS’ CONFIDENTIAL INFORMATION**

11 Waymo only seeks to seal the portions of Waymo’s Opposition and Exhibits 3-6, 22-26, and
 12 28-31 identified in the table above because Waymo believes such information is considered
 13 confidential or non-public by Defendants or by certain third parties. Corredor Decl. ¶ 6. Waymo
 14 takes no position as to the merits of sealing any of designated material, and expects Defendants to file
 15 declarations in accordance with the Local Rules.

16 **IV. CONCLUSION**

17 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 18 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 19 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under
 20 seal.
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 23 DATED: September 12, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
 24 LLP

25 By /s/ Charles Verhoeven

26 Charles Verhoeven
 27 Attorneys for WAYMO LLC